

From: "Leefers, Kristin"
To: "Marlow, Scott (ATG)" <ScottM4@ATG.WA.GOV>
Date: 6/26/2017 9:25:21 AM
Subject: RE: Washington State v. Charles Pillon

Hi Scott-

Was the continuance granted? I just want to confirm that nothing is expected of EPA employees tomorrow.

Thanks,
Kris

Kris Leefers
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From: Marlow, Scott (ATG) [mailto:ScottM4@ATG.WA.GOV]
Sent: Tuesday, June 20, 2017 4:55 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: RE: Washington State v. Charles Pillon

If the continuance is granted then yes the subpoena would not be valid for the current date – technically the individual remains under subpoena, but we will re-issue once the stipulations are worked out and we have a better idea who we will need. I see NO chance that the continuance will be denied as it is a joint request and the defendant will be telling the Court that he is not ready to try the case – further my co-counsel is in trial on another matter, so he is unavailable. That said, I will advise you once the judge signs off.

Thanks,

Scott

From: Leefers, Kristin [mailto:Leefers.Kristin@epa.gov]
Sent: Tuesday, June 20, 2017 4:43 PM
To: Marlow, Scott (ATG) <ScottM4@ATG.WA.GOV>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: RE: Washington State v. Charles Pillon

Good Afternoon Mr. Marlow-

Thank you very much for updating us on the progress of the case and the potential continuance to September. Assuming the continuance is granted, would the subpoena currently issued to Mr. Fowlow no longer be in effect for June 27? I want to be sure EPA is meeting any court requirements in a timely manner. Please let me know as soon as possible whether the continuance is granted and what effect that has on the subpoena.

We will await your letter in the next few weeks regarding the *Touhy* requirements after you have had the opportunity to further discuss stipulations with the defendant. If we require any further information in making the determination regarding EPA employee testimony in this trial, either myself or Allyn will contact you again.

Sincerely,
Kris

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From: Marlow, Scott (ATG) [<mailto:ScottM4@ATG.WA.GOV>]
Sent: Tuesday, June 20, 2017 2:50 PM
To: Stern, Allyn <Stern.Alyn@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Washington State v. Charles Pillon

Mses. Stern and Leefers:

I have had a meeting with the defendant in this case (he is representing himself) and it appears that he is willing to stipulate to a large amount of the testimony the State would have required from EPA staff and EPA contractors. We are still ironing out those stipulations and formalizing them. Our current trial date of June 27 will be continued to late September to give us time to formalize those agreements. We do not have a new date yet as the motion to continue is set for this Friday. It would appear, however, that the only EPA staff that we may need to call are Mr. Jeffrey Fowlow, Ms. Katie Adams and Ms. Theresa McBride. It is possible that we will not need even those folks, but we have not reached that level of detail in the formal stipulations at this point, nor have those stipulations been accepted by the Court. My plan at this point is to assume that those three witnesses will be required (what I believe to be the worst case scenario) and put together a letter to you that addresses the *Touhy* requirements to determine whether they would be available for testimony if subpoenaed. I hope to have that letter to you in the next week or so, following additional conversations with the defendant.

Thank you both for your continued assistance and guidance in this case and I again apologize for the confusion. Should you have any questions please let me know.

Sincerely,

Scott A. Marlow
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